

Zorn, Matt

From: Miller, Kelleigh A. <Kelleigh.A.Miller@dea.gov>
Sent: Friday, September 16, 2022 10:00 AM
To: Zorn, Matt
Subject: FOIA Requests 22-00560-F and 22-00585-F
Attachments: 22-00585-F Fee Letter - 9-16-2022.pdf; 22-00560-F Fee Letter - 9-16-2022.pdf

Good morning, Mr. Zorn:

Please see the attached fee letters concerning two of your pending FOIA requests.

Please note, records searches were conducted for both requests. FOIA request 22-00560-F resulted in approximately 5,000 pages of records and FOIA request 22-00585-F resulted in approximately 2,190 pages. The fee associated with the review time required by supervisory and non-supervisory staff has been captured in the attached letters.

If you have any questions, or wish to narrow the scope of your requests to reduce the fee amount, please let me know.

Thank you,

Kelleigh A. Miller, Chief
Freedom of Information and Privacy Act Unit (CCAR)
Administrative and General Law Section (CCA)
Office of Chief Counsel
Drug Enforcement Administration
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U.S. Department of Justice
Drug Enforcement Administration
FOIA and Privacy Act Unit
8701 Morrisette Drive
Springfield, Virginia 22152

September 16, 2022

Case Number: 22-00560-F

Subject: All filings from the proceedings in Administrative Law Judge (ALJ) Docket No. 10-46 described in 76 Fed. Reg. 77329 (Docket No. DEA-333), including briefs filed and all ALJ orders, such as the ALJ decision (Date Range for Record Search: January 13, 2015 to January 13, 2011)

Matthew Zorn, Esq.
Yetter Coleman LLP
811 Main Street, Suite 4100
Houston, Texas 77002
Sent via e-mail: mzorn@yettercoleman.com

Dear Mr. Zorn:

This letter responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated April 22, 2022, addressed to the Drug Enforcement Administration (DEA), FOIA/PA Unit, seeking access to information regarding the above subject.

After reviewing your request, we conducted a search for records responsive to the above noted subject. To search for responsive records we queried the Office of the Administrative Law Judges. The search has been completed.

We have determined that you are making this request for a "commercial use" as described in Department of Justice regulation, 28 C.F.R. § 16.10(b)(1). As such, we are required to assess fees for review of responsive records. *See id.* at § 16.10(c). You may review the Department of Justice regulations which establish the fees charged for processing FOIA requests at: <https://www.ecfr.gov/current/title-28/chapter-I/part-16>.

Review fees by professional personnel are charged at \$40.00 per hour. *See* 28 C.F.R. § 16.10(c)(1)(ii) and (c)(3). This fee is assessed for review time required by both supervisory and non-supervisory personnel. Review time includes processing of any records for disclosure, including redacting the records and asserting the appropriate FOIA exemptions. We charge review fees even if we ultimately are unable to disclose records to you. Accordingly, we estimate the review time associated with your request will total \$41,960. Please note, this office is unable to continue with the processing of your request until you agree to pay the fee.

As provided by 28 C.F.R § 16.3(b), this letter also affords you the opportunity to reformulate your request in such a manner as to reduce the review fee. This could be accomplished by narrowing scope of your request or specifying particular documents that you desire.

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Upon receipt of a **check or money order** in the amount indicated above, made payable to the Treasury of the United States, DEA will initiate further processing of your request. Please indicate the case number noted above on the face of your check or money order, and mail it to the above address. However, if this office does not receive your payment within 30 business days, DEA will assume that you do not wish to pursue this matter and your request will be administratively closed. If this office administratively closes your request, you may submit a new request at any time.

You may contact our FOIA Public Liaison at (571) 776-2300 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with DEA's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding this letter, you may contact FOIA/PA Unit representative Rickey L. Polk, Jr. at (571) 776-3325 or via e-mail at Rickey.L.PolkJr@dea.gov.

Sincerely,

Kelleigh A. Miller, Chief
Freedom of Information and Privacy Act Unit
Administrative and General Law Section
Office of Chief Counsel